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SUBJECT: QATAR RELEASES ITS OWN HUMAN RIGHTS REPORT; JUDGMENTS CLOSE  
TO ANNUAL STATE DEPARTMENT REPORT

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(SBU) KEY POINTS AND ANALYSIS  
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-- Qatar's National Human Rights Committee (NHRC) published this month its 2008 Annual Report. (The NHRC is government-appointed and funded.)

-- The overwhelming majority of the 2008 NHRC Report is similar in tone and judgment to the 2008 Human Rights Report for Qatar prepared by Embassy Doha and published by the Department of State.

-- The two reports share consistent themes of human rights, civil liberties, and legal rights. Still, these concepts are outlined differently as a result of Qatar's conservative Islamic values.

-- The NHRC report went beyond the State report by recounting complaints and petitions submitted to the Committee, and highlighted Qatar's ratification of Charters and Conventions aimed at promoting human rights.

-- Unlike our report, the NHRC report covers more areas - such as the early 2008 Gaza war and health care. The NHRC probably included these issues as a nod to domestic sentiments and, on Gaza, to demonstrate Qatar's attempted regional leadership on this issue. Finally, the report largely neglects some issues covered in the State report, such as religious freedom.

END KEY POINTS AND ANALYSIS.

¶1. Following is Post's detailed summary of the NHRC report and a comparison of its findings with that of our most recent Human Rights report for Qatar.

GAZA  
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-- The NHRC Report begins with a review of Qatar's reaction to the war in Gaza, stating that the conflict cast a heavy shadow on the feelings, reactions, and concerns of Qataris at all levels.

-- The Committee lauded the GOQ's diplomatic role in responding to the war. Specifically, Qatar called for an emergency Arab summit where member states considered how to help end the crisis in Gaza. (Note: Qatar failed to achieve a quorum of Arab League members and instead ended up hosting a meeting which tilted toward the radical camp.)

HUMAN RIGHTS  
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-- The NHRC applauded the GOQ's efforts for respecting the rule of law and individual rights and freedoms, citing no reports of disappearances or unlawful killings. This was also reflected in the DOS Report.

-- The Department of State (DOS) Report states that Qatar lacked a comprehensive definition of torture in its domestic law, and cited two cases alleging torture. The DOS Report states that one case was resolved with a fine, while the other remains open. Although these

cases were mentioned in the NHRC Report, they failed to elaborate on how the cases were resolved.

-- The NHRC Report highlights significant obstacles for citizens to exercise their right to litigation and offers an extensive list of recommendations. Among the most notable recommendations were: developing a center for legal and judicial studies, establishing a dedicated judicial police force to assume responsibility for the enforcement of laws, and allowing for appeals on all administrative decisions.

--The NHRC also recommended increasing the number of judges in the judiciary to cope with the growing number of cases; we note in the DOS report that Qatar has already accomplished some additional hiring.

-- The DOS Report identifies the "Protection of Society and Combating Terrorism Law" as one obstacle to due process. Qatari criminal law requires that persons be apprehended openly with warrants, charged within 24 hours, and be brought before a court without undue delay. The Protection of Society and Combating Terrorism law, however, permits detention of an individual without charges for up to two years (in six month periods which can be extended) and allows detention for up to six months without charges for investigation purposes. Decisions taken under this law may not be appealed in courts. The law empowers the Minister of Interior to detain an individual for crimes related to national security, honor, or impudence.

-- The NHRC report recommends the GOQ reconsider specific articles relating to the detention of individuals for extended periods of

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time. Specifically, the Committee would like the GOQ to review Law No. 5 of 2003, which holds persons for extended periods of time without trial and prevents detainees from appeal against decisions made by the courts.

-- The constitution of Qatar provides for the right to a fair trial for all citizens. The DOS Report states that although Shari'a courts were eliminated, women continued to receive unequal status in certain civil proceedings.

-- The NHRC Report similarly demonstrates that individuals face barriers when exercising their right to litigation, however, it does not specifically cite deficiencies for women. It lists prolonged investigations, slow pace of judgments by courts, increased provisional detention, lack of jurisdiction oversight, and the absence of alternatives as key deficiencies within the Qatari legal system.

(Note/Comment: Although the DOS Report fails to find substantial deficiencies within the Qatari legal system, the NHRC, however, listed a number of ways in which the system could be improved. This effort to address the shortcomings of the Qatari trial system speaks favorably to the NHRC's efforts to provide substantive review and advice.)

-- While the DOS Report refers to the status of political prisoners within Qatar, the NHRC omits any reference to political prisoners and detainees. (Note: This issue may have been deemed too sensitive for the GOQ and the royal family.) However, the DOS Report notes that while some political prisoners have either been released by the Amir, others are still being held.

#### CIVIL LIBERTIES

-- The Constitution of Qatar provides for freedom of speech and of the press in accordance with the law. The DOS Report however, indicates that the government limits these rights in practice. Reports are usually censored if deemed hostile to Islam, the ruling family, or likely to harm Qatar's relations with other states.

-- While the DOS reported these limitations, the NHRC Report side-stepped them, even arguing that Qatar had witnessed further

freedom of opinion and expression in Qatari media over the past year. The NHRC lauded the lack of censorship while producing their report. Additionally, the Committee notes an increase in the amount of activities and clubs within Qatar as demonstrating expanded freedom of expression.

-- The DOS Report points to strict conditions imposed on forming associations in spite of the constitution providing such a right. Qatari law levies stringent conditions on the establishment, management, and function of professional societies. Informal groups and community support groups may form in Qatar as long as they do not engage in political activity.

-- Similarly, the NHRC Report notes that laws within Qatar prevent organizations from functioning. The Committee strongly denounced the restrictions, arguing that the laws represent a barrier to the growth of civil society organizations, which are already a rarity within Qatar.

-- Though the NHRC reported on certain freedoms in the media, they cited the importance of reviewing Law No. 8 of 1979 on Press and Publication. Several of its provisions impose restrictions on procedures necessary for establishing newspapers and other publications. Violation of specific provisions is subject to imprisonment. The Committee emphasizes the need to establish unrestricted media outlets in Qatar as a step towards its development ambitions.

-- The NHRC claims that no record of violation from Law No. 8 occurred in 2008. However, the Committee published the verdict of a three-year prison term, issued in absentia, against journalist Amal Issa after being charged with defamation and disseminating false information on Hamad Medical Corporation in May 2008. The Committee added that the editor-in-chief was also fined.

-- The NHRC stressed the need to expand protections for the freedom of opinion and expression in addition to encouraging the establishment of a stronger civil society. More important, the Committee firmly suggested the abolishment of imprisonment as a punishment for publication violations as well as restrictions on establishing private associations.

#### RELIGIOUS FREEDOM

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-- Islam is the official state religion of Qatar, and the ruling family and the government are beholden to Islamic institutions and practices. Although the constitution of Qatar provides for freedom of worship, the government continues to place limitations on public

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worship. The DOS Report asserts the fact that among non-Muslim groups, Christians have requested and were allowed to rent space for public worship. In spite of this practical flexibility, the NHRC does not address issues of religious freedom. The omission may have occurred because of the sensitivity of the issue, or because they considered it outside their mandate.

-- Converting to another religion other than Islam is considered a capital offense. There have been no recorded incidents of convictions in Qatar according to both reports. The constitution of Qatar prohibits discrimination based on religion.

#### POLITICAL PARTICIPATION

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-- The State of Qatar is a constitutional monarchy and the Amir exercises full executive powers. The DOS Report notes that the law forbids the formation of any political parties. In 2008, the Amir decided to delay elections again for a prospective 45-member Advisory Council. Contrarily, the NHRC report highlighted continued efforts towards democracy and greater participation in political life and democratic practice on all levels. The NHRC points to several symposiums which were held to discuss policies and programs of various ministries and government agencies, and the participation of citizens in these events.

-- The DOS Report states that the Amir of Qatar postponed elections for the expanded 45-member Advisory Council and extended the term of the current council for two years. The NHRC Committee, meanwhile, expressed hopes that elections would be held in 2009.

-- The Committee stops short of emphasizing a stronger need for democratic and political freedoms. While it highlights that political participation constitutes one of the main features of a democracy, it does not underscore the need to implement more policies to introduce democratic features into the Qatari political system. Further, though the language is clear that citizen participation is needed to develop positive contributions in the political arena, the NHRC does not suggest strategies on how to better involve Qataris in the democratic process. The Committee fails to highlight any significant changes in the political atmosphere of the country. Moreover, it does not detail what sector of society is involved in this political transformation.

#### WOMEN'S RIGHTS

-- While the constitution of Qatar prohibits discrimination by gender, the DOS Report specified weaknesses in the field of women's rights. Although limitations were primarily focused on issues related to legal matters, there were other topics such as domestic abuse and prostitution that the report cited as areas of concern. The DOS Report stated that while the constitution asserts the principle of equality between citizens, traditions and interpretations of Shari'a, however, placed some women at a disadvantage.

-- The NHRC Report emphasizes continued progress towards women's rights in Qatar. Consistent with the country's constitution and its accession (with reservations) to international charters such as the Convention to Eliminate Discrimination Against Women, Qatar is striving to foster equality between men and women. The Report mentions Qatar's dedication to women's rights set forth and stipulated by the constitution or through the creation of new laws which incorporate gender equality, such as the Housing Law.

-- (Note: The Housing Law aims to provide adequate housing for citizens by giving the beneficiary a sum of money to purchase a piece of land to build a house or piece of land. Article 1 of the law allows both men and women to benefit equally from the provision.)

-- Despite partial progress, the NHRC report points out several instances where women faced marginalization, including freedom to travel, employment discrepancies, domestic abuse, financial rights, and political and legal rights.

-- The NHRC Report acknowledges the limited participation of women in the political arena. More importantly, the Committee notes that the consolidation of equality is not confined to the law alone; rather the promotion of equality requires the fostering of positive changes in Qatari culture. The Committee strongly advocates that the GOQ take further steps to help empower Qatari women by sponsoring and intensifying efforts towards changing the negative image of women while still observing the teachings of Islam.

-- Several recommendations are given by the Committee to help foster empowerment for Qatari women. One proposal advocated by the Committee was for the GOQ to develop a national strategy to support the political participation of women. Moreover, the Committee recommends criminalizing all types of violence against women and providing the necessary care and rehabilitation to its victims.

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-- One area of significant difference between the DOS Report and the NHRC Report was that of legal matters involving Shari'a. The DOS Report asserts that tradition and Shari'a have placed some women at a disadvantage, particularly with issues involving inheritance and court proceedings. For instance, women who attend court proceedings may not represent themselves. Instead, they are generally

represented by a male relative. In cases involving financial transactions, the testimony of two women equals that of one man, even though the courts interpret this requirement on a case-by-case basis.

-- The NHRC briefly mentions the need to provide guarantees for the fulfillment of the obligations of guardianship, housing, and financial support. However, it does so in a weaker tone than other recommendations affecting women's rights. Furthermore, the Committee omits any reference to the shortcomings involving Shari'a, since that would clearly be a highly sensitive topic within Qatari society.

#### TRAFFICKING AND MIGRANT WORKERS

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-- The DOS Report and the NHRC Report both contribute significantly to the understanding of human trafficking within Qatar.

-- The DOS Report strongly criticizes the Qatari sponsorship system claiming that it creates conditions constituting forced labor or slavery. Additionally, Qatar has no specific anti-trafficking law.

-- (Note: Similar to the DOS Report, the United Nations has also raised concerns that Qatar's labor laws exclude foreign domestic workers from protection, and in practice, places them in a situation whereby their working conditions are regulated as private matters.)

-- While the NHRC applauds the GOQ for its proactive approach towards trafficking, it also directly challenges the sponsorship laws of Qatar. The Committee argues that the laws create conditions for trafficking. More importantly, the NHRC recorded instances where individuals or companies misused the provisions of the sponsorship system to exploit workers.

-- In order to combat human trafficking, the Committee outlines several recommendations for the GOQ. Specifically, it advises for the development of effective mechanisms to identify victims of trafficking and to construct necessary procedures to ensure that victims shall not be subject to prosecution.

--The Committee recommends undertaking efforts towards coordination and cooperation with regional and global authorities to take necessary preventative measures to combat all forms of exploitation or trafficking.

--In addition, the NHRC would like the completion and passing of the draft law combating trafficking of persons, which would prevent and criminalize all forms of trafficking.

-- Furthermore, the Committee advocates severe punishment for those who are involved with trafficking or forced labor under Article 322/1 of the Qatari Penal Code.

-- Lastly, the NHRC Report encourages Qatar's accession to the International Convention for the Protection of Migrant Workers and Members of their Families.

#### ECONOMIC RIGHTS

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-- According to the DOS Report, enforcement of enacted regulations related to workers' living conditions and worker rights have been uneven due to insufficient training and lack of personnel. The report adds that the rights of noncitizens continued to be severely restricted. Workers face abuse, nonpayment of wages, and often work and live in hazardous conditions. The law provides workers the right to seek legal relief; however, they usually hesitate to do so for fear of deportation.

-- The NHRC Report acknowledges Qatar's continued efforts to protect the right to dignified living for whoever falls within the state's jurisdiction. But, it also advocates proactive recommendations to help alleviate workers' living conditions and rights.

-- The Committee proposed that the GOQ set up a database to help

assist the underprivileged in Qatar. The database would detail the causes of poverty in Qatar and be used to craft appropriate measures for supporting the poor. Moreover, they encourage the establishment of social integration institutions to help assist underpaid workers.

-- Adhering to the constitution of Qatar was strongly emphasized by

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the NHRC in regards to workers receiving equal pay for equal work. It underscores the need for the GOQ to ensure a citizen's right to choose his/her type of work, to be protected by their employers, and to be given equal rights.

-- The Committee demands that the GOQ intervene to address the high prices of housing, along with the importance of expanding projects for housing for citizens and non-citizens with low and middle incomes. Further, the NHRC stresses the need to establish free housing for those who are unable to care for themselves as these rights are fundamental rights safeguarded by Shari'a, the constitution of Qatar, and international charters. These sorts of rights/issues are not covered in the DOS Report as they are outside the scope of human rights issues viewed in a U.S. perspective.

#### SOCIAL RIGHTS

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##### (1) Education

-- Both reports outline Qatar's progressive stance towards improving its educational system. Education is compulsory for Qatari children, and there was generally little difference in school attendance between boys and girls.

-- Despite progress in the educational arena, the NHRC expressed its hopes that the GOQ will enforce the Compulsory Education Law No. 25 of 2001. Article 2 of the Law states that "Education shall be compulsory and free for all children from primary to the end of the preparatory stage." Currently, many students drop out before finishing high school.

-- Additionally, the NHRC continued to stress the importance and relevance of adding Human Rights courses within the school curricula. The Committee claims that it is cooperating with the Ministry of Education to help train staff members and help facilitate the integration of such programs within the educational system.

##### (2) Health Care

-- The GOQ is committed to the welfare of its citizens according to both reports. Medical care is also available to non-citizens for a nominal fee.

-- While the NHRC lauds Qatar's health care services as compared to other Arab states, it also underlined shortcomings. For instance, the Committee observed the absence of medical staff in certain specializations. More importantly, the Committee hopes that the GOQ will implement policies that will focus on women, children, and expatriate workers. Increasing awareness of harmful patterns of behavior that negatively affects society is another dimension that requires further development, according to the NHRC Report.

##### (3) Children rights

-- Both Reports acknowledge Qatar's commitment to the welfare of the state's children.

-- The NHRC Report emphasizes the need to expand on special legislation on the Rights of the Child in addition to enhancing skills of personnel at institutions working with child development programs.

#### DISABILITIES

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-- According to the DOS Report, Qatari law requires the allocation of resources for persons with disabilities and prohibits discrimination against such persons.

-- Regardless of these set provisions, the NHRC noted that there are still a number of challenges related to the rights of disabled people.

-- Examples of disparities include denial of enrollment at public and private schools, buildings not equipped with facilities to help disabled persons, and a lack of programs to help their integration into society.

-- The Committee strongly recommends efforts to enhance awareness on the rights of people with disabilities. Further, it called for the rehabilitation of buildings in Qatar to enable people with disabilities to further access them easily.

#### LEGISLATIVE ADDITIONS

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--Qatar's legal developments are a significant area of difference between the two reports. The Committee venerates the GOQ's efforts to accede to a number of international treaties and conventions. Such efforts underline Qatar's determination and objective not only

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to protect its citizens, but to do so while developing at an accelerated speed, according to the Committee.

#### (A) LAWS AND DECISIONS

-- Unlike the DOS report, the NHRC highlighted a number of new decrees and accessions which it posits further a human rights agenda:

-- The Consumer Protection Law No. 8 was approved in Qatar in 2008. The law ensures fundamental rights of the consumer and authorizes the establishment of consumer protection associations that make information available to the consumers, raise their awareness, and educate them on their rights to express their opinion to the concerned authorities. The law sets forth obligations on the supplier such as reimbursement, restitution, or replacement for the value of goods. Further, the law prohibits the sale, supply, exhibition, or advertising of any corrupted or fraudulent goods.

-- The provisions set by this law represent gains to the promotion of economic rights in Qatar according to the Report. More importantly, the law allows for the establishment of private consumer protection associations, a plus for the right of association.

-- In 2008, Law No. 12 established the Supreme Constitutional Court. The Court's primary responsibility is to resolve disputes that may arise on the final implementation of contradictory rulings, or interpretation of the provisions of certain laws.

-- The NHRC praises the establishment of the Supreme Constitutional Court by the GOQ. The Committee states that such a court will act as a key guarantor for the promotion and protection of human rights through the court's mandate of ensuring the consistency of laws and regulations.

-- A 2008 Amiri decree granted the Qatar Foundation specific authorities to support scientific research. Further, the decree provides for the allocation of 2.8 percent of government revenues to fund scientific research in Qatar.

-- The Committee applauds the Qatar Foundation, arguing that the promotion of scientific research will constitute an important and effective step towards fundamental freedoms and human rights.

-- Qatar's ratification of the Arab Charter on Human Rights in 2008 was another step taken by the government to promote and protect human rights.

-- The NHRC regards the accession to the Arab Charter with particular importance since the Charter reflects and preserves Arab nationalist identity.

-- An Amiri Decree established the Doha Centre for Media Freedom in 2008. The NHRC states that such an establishment reflects Qatar's belief in the importance of freedom of speech and freedom of opinion.

-- The GOQ has enacted a Qatarization policy in recent years to mandate job placement for Qataris. The policy includes the founding of the National Workforce Department at the Ministry of Labor, which is responsible for the creation of employment opportunities for young Qatari men and women.

-- The report also highlights the founding of "Silatech", an organization established on the initiative of the Amir's consort, Shaykha Mozah, to support youth employment in Qatar and across the Arab world.

-- The NHRC also highlighted the Qatar National Vision of 2030, which is a broad strategy intended to guide Qatar's development efforts. The vision announces Qatar's intention to adhere to the rule of law and to promote human rights within its conservative Islamic society.

-- The NHRC also discussed Qatar's new Foundation on Combating Trafficking of Persons, initiated again by Shaykha Mozah. The foundation's main objective is to raise awareness of relevant human rights concepts, in particular, the scourge of human trafficking.

-- Another statute that was praised by the NHRC Report was the formation of the Permanent Committee on examining the condition of inmates at the Deportation Center. The Minister of State for Internal Affairs issued decision No. 46 of 2008 to examine cases of individuals who have been held at the center for more than two months without charge. The Committee states that the Deportation committee is responsible for recommendations related to sponsorship transfers as well as having the capacity to end the detentions.